IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1180 OF 2006

Joseph Dias. .. Petitioner.

vs.

State of Maharashtra

& Ors. .. Respondents.

Shri P.M. Havnur for petitioner.

Ms. S.D. Shinde, APP., for State.

Shri H.G. Menon, Sr. Counsel with A.M. Chimalker for Respondent No. 6.

CORAM : J.N. PATEL, AND

SMT. ROSHAN DALVI, JJ.

DATE : 17th August, 2006.

P.C.

. Heard the learned counsel for the petitioner and the learned APP for the State.

2. The petitioner has approached this Court seeking a relief in the nature of writ of mandamus directing the respondent nos. 1 to 5 to take forthwith action on the complaint lodged by the petitioner dated 2nd May 2006 which is annexed as Exhibit A for having committed deliberate and

malicious act to outrage the religious feelings of the Catholic community and report compliance to this Hon'ble Court and for other ancillary reliefs relating to the film 'Da Vinci Code'. The learned APP has pointed out to this Court that before any cognizance can be taken under Section 295 A of the IPC clause (a) of sub-section (1) of Section 196 of Cr.P.C. provides that no court shall take cognizance of offence punishable under Section 295A or sub-section (1) of Section 505 of the Indian Penal Code except with previous sanction of the Central Government or of the State Government and, therefore, it will be proper that the petitioner move the appropriate Government for seeking sanction in the matter.

3. The learned counsel for the petitioner submits that though the petitioner has sought sanction of the Government of Maharashtra by sending the application by registered post A.D., the petitioner has not heard anything in the matter.

4. Therefore, in our view, it will be proper for the petitioner to present the application for seeking sanction as required and then take necessary steps to prosecute the offenders. The learned counsel for the petitioner submits that he will apply afresh to the State Government as observed by this Court and may be permitted to withdraw this

petition with liberty to file a fresh petition if the sanction is not granted by the State Government. In case the petitioner makes a separate application within a period of two weeks to the State Government, we expect the State Government to take a decision in the matter within four weeks after receipt of such an application for seeking sanction.

5. The petition is permitted to be withdrawn with liberty as prayed. Petition dismissed as withdrawn.

. C.C. expedited.

(J.N. Patel, J.)

(Smt. Roshan Dalvi, J.)